IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Clay Caldwell,	:	
Appellant	:	
	:	
v.	:	No. 1541 C.D. 2024
	:	
Secretary John Wetzel, et al.	:	Submitted: May 12, 2026

BEFORE: HONORABLE PATRICIA A. McCULLOUGH, Judge
HONORABLE MICHAEL H. WOJCIK, Judge
HONORABLE MATTHEW S. WOLF, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY
JUDGE WOLF FILED: November 10, 2026

Clay Caldwell (Caldwell), an unrepresented litigant, appeals from the August 8, 2024 order of the Court of Common Pleas of Centre County (trial court). Because Caldwell's appeal was filed beyond the applicable 30-day appeal period, we lack jurisdiction and quash the appeal as untimely.

The matter stems initially from a complaint filed by Caldwell in April of 2021 against Secretary John Wetzel and various other defendants. *See* Original Record (O.R.), Item No. 4. By opinion and order issued September 17, 2021, the trial court revoked Caldwell's *in forma pauperis* status and ordered him to pay the filing fee of $177.25 within 30 days, or the complaint would be dismissed with prejudice. *Id.*, Item No. 35. Caldwell ultimately failed to timely pay the filing fee, resulting in dismissal. Caldwell appealed, and by memorandum opinion and order issued January 10, 2024, this Court affirmed the trial court's dismissal. *See Caldwell v. Wetzel* (Pa. Cmwlth., No. 26 C.D. 2022, filed January 10, 2024) (*Caldwell I*).

On June 6, 2024, Caldwell filed a "praecipe to reinstate" his previously dismissed complaint and thereafter filed a "Petition for Leave of Court to File Plaintiffs Supplemental Amended Complaint, in Direct Connection with his Original Complaint to Correct Defects." O.R., Item Nos. 60-61. On July 17, 2024, the trial court denied Caldwell's petition to file a supplemental amended complaint and clarified that this matter was terminated when Caldwell did not appeal this Court's memorandum opinion and order in *Caldwell I*. *Id.*, Item No. 62.

On July 26, 2024, Caldwell filed a petition informing the Court that he paid all necessary filing fees related to his initial complaint. *Id.*, Item No. 63. On August 8, 2024, the trial court issued the order underlying the present appeal, which (1) reiterated that this matter has been terminated, (2) directed the trial court prothonotary to refund Caldwell any amounts paid in connection with the attempted re-instatement of his initial complaint, and (3) directed the prothonotary to take any necessary steps to close this docket number. *Id.*, Item No. 64.

On August 19, 2024, Caldwell filed a document titled "The Plaintiff[']s Objections to the Court[']s Orders Dated August 8th, 2024[,] and petition for Stay of Orders [. . . .]" O.R., Item No. 65. On October 18, 2024, Caldwell filed another document titled "Plaintiff's Petition for a Response to his Objections and Stay of Orders Dated from August 14, 2024." *Id.*, Item No. 66. On November 1, 2024, the trial court filed an order reaffirming its August 8, 2024 order. *Id.*, Item No. 67. On November 6, 2024, Caldwell filed a notice of appeal, purporting to appeal the August 8, 2024 order. *Id.*, Item No. 69.

On September 30, 2025, this Court issued an order directing the parties to address the timeliness of Caldwell's appeal. Caldwell did not address the issue of

timeliness in either his principal or reply brief but rather focuses his argument entirely on the merits of his appeal.

"It is well-settled that the timeliness of an appeal is a jurisdictional question which cannot be waived, and it may be raised at any stage of the proceedings by any party or by the court *sua sponte*." *Monroe Cnty. Bd. of Assessment Appeals v. Miller*, 570 A.2d 1386, 1388 (Pa. Cmwlth. 1990). Pursuant to Pa.R.A.P. 903(a), "[e]xcept as otherwise prescribed by this rule, the notice of appeal required by Pa.R.A.P. 902 (manner of taking appeal) shall be filed within 30 days after the entry of the order from which the appeal is taken." Here, Caldwell's Notice of Appeal was filed on November 6, 2024—nearly 90 days after entry of the trial court's August 8, 2024 order, and well past the permitted 30-day period. Thus, the appeal is facially untimely. Moreover, even if we considered Caldwell's August 19, 2024 filing as a timely filed motion for reconsideration, such filing would not toll the appeal period of the trial court's order issued August 8, 2024. *See* Pa.R.A.P. 1701(b); *Borough of Duncansville v. Beard*, 919 A.2d 327, 330 (Pa. Cmwtlh. 2007) ("unless a trial court grants reconsideration under Pa. R.A.P. 1701 within the thirty-day appeal period set forth in Pa. R.A.P. 903(a), a party must file an appeal from a trial court order within that thirty-day period.").

Because Caldwell's appeal is untimely, this Court lacks jurisdiction and is precluded from reaching the merits. Accordingly, the appeal is quashed.

_____

MATTHEW S. WOLF, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Clay Caldwell,	:	
Appellant	:	
	:	
v.	:	No. 1541 C.D. 2024
	:	
Secretary John Wetzel, et al.	:	

O R D E R

AND NOW, this 10th day of November 2026, the above-captioned appeal is QUASHED as untimely filed.

_____

MATTHEW S. WOLF, Judge